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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,331	12/08/2003	Thomas E. Creamer	BOC9-2003-0108US1 (1082-1)	2368
7590 02/09/2005			EXAMINER SMITH, CREIGHTON H	
Steven M. Greenberg, Esquire Christopher & Weisberg, P.A. Suite 2040 200 East Las Olas Boulevard Fort Lauderdale, FL 33301			ART UNIT 2645	
DATE MAILED: 02/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,331

Applicant(s)

CREAMER ET AL.

Examiner

Creighton h Smith

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2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 5, 8, 9, are rejected under 35 U.S.C. 102(e) as being anticipated by Lynam et al – U.S. Publication #2004/0022380.

Lynam et al show a Line Information database (LIDB-252, Fig. 8), & col. 5, ¶ 0057. In ¶ 0057 Lynam discloses that their LIDB is used to store Local Number Portability information of callers who call the business center to transact business. LNP data is deemed as “variable” data because as the customer/subscriber moves from location to location, the portability database will have to be updated to reflect the customer’s change in location. This reads upon applicant’s term of “variable” data being stored in the LIDB. Lynam goes on to disclose in ¶ 0057 that the validation module (200) is used to identify telephone numbers of originating subscribers. Then, in ¶ 0060 it is disclosed that LIDB 211 is interrogated and a response is received. The purpose of the validation module is to capture the calling person’s ANI and interrogate the LIDB with the ANI to extract information on the caller. The definition of a LIDB, as disclosed in Newton’s Telecom Dictionary, 13th ed., page 395 is this: “Line Information Databases which are being developed by the Regional Bell Operating Companies and all the local phone companies will include such services as Originating Line Number Screening, Calling

Card Validation, Billing Number Screening, Calling Card Fraud, and Public Telephone Check. The LIDB systems contain all valid telephone and calling card numbers in their regions, and have the necessary information to perform billing validation.” Therefore, “invariable” data, or fixed data, on each customer/client is being stored in the LIDB.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,3, 6, 7, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynam et al – U.S. Publication #2004/0022380 in view of Meehan (6556818) and Nyhan et al (2003/0009372)

Lynam et al further disclose in ¶ 0086 that a sale could be taking place over the Internet by a user using a remote terminal (52) to purchase goods or products from a vendor/merchant (50). If the user is using the Internet to purchase goods, an application in the form of a cookie must be sent from the vendor’s server to the user’s terminal over the data network. This is not disclosed by Lynam, but see the definition of “cookie” Newton’s telecom Dictionary, page 175. Newton states that “[c]ookies are widely used in the client/server environments of the WWW element of the Internet. Their advantage is that they can automatically identify the client to the server, thereby shortening or eliminating the user identification element of the log-in process. For example, an electronic shopping application can use a cookie to identify the shopper during subsequent access sessions, storing information about shopping preferences.”

Therefore, what Lynam is doing, without disclosing it, is deploying a cookie to write the user's choices that she makes while shopping and writing this into the LIDB, so that the next time the user communicates with the vendor the LIDB will have the information stored in its electronic files concerning the user's latest transactions with the vendor.

Nyhan et al discloses that a logic server (16) is sending an information request to a user's PC (10) in the form of a cookie, arrow E, ¶ 18 regarding previous user of the PC to a survey. These cookies are a form of signaling in the data network, similar to SS7 signaling in the PSTN circuit-switched network. Lyhan et al further discloses in Fig. 4, Steps 136, 140, that the logic server (16) will send a cookie to the user's PC and then instep 140 will request that cookie from the user's browser of her PC. To have used Lyhan et al teaching of using cookies to send information from one database to another database, i.e., from and to memories 42 and 22, in Lynam et al internet transaction by recording in Lynam's LIDB what the user bought over the Internet by using cookies to transmit this information from the user's terminal (52) to LIDB (252), as taught by Lyhan would have been obvious to a person having ordinary skill in the art, because somehow the information from Lynam's user's terminal must be sent to the LIDB to keep track of a user's transactions and Lyhan teaches how this is to be accomplished, by the use of cookies.

Meehan teaches that an LIDB (41) may be coupled to an SCP(39) in the PSTN (3). To have similarly provided an SCP connected to a LIDB into Lynam et al network would have been obvious to a person having ordinary skill in the art. The motivation for making this modification is that is the SCP and the LIDB are both

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databases containing call records, with the LIDB being most commonly used in the call center environment to hold records of a user's transactions with a company, while the SCP contains a user's/subscriber's call routing instructions, and for one database to be coupled to another database is deemed within the skilled artisan's purview.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Petrunka et al and Ely et al disclose LIDB used in call centers.

Any inquiry concerning this communication should be directed to Creighton h Smith at telephone number 308-2488.

A handwritten signature in black ink, appearing to read "Creighton h Smith", with a long horizontal flourish extending to the right.

31 Jan. '05

Creighton h Smith
Primary Examiner
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